

Michigan SARA Title III Program

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History of the Regulation

- **CERCLA**
 - In 1980, Congress enacted the:
 - Purpose
 - Cleanup hazardous waste disposal sites
 - Emergency response for hazardous substances released into the environment
 - CERCLA = Superfund
 - **Bhopal tragedy** sparked an overhaul of U.S. chemical reporting rules and in 1986 congress expanded and reauthorized the Superfund Act.

Superfund Amendments and Reauthorization Act of 1986 (SARA)

- SARA Title III = Emergency Planning and Community Right-to-Know Act (EPCRA)
- Regulations implementing SARA Title III are codified in Title 40 of the Code of Federal Regulations (CFR) Parts 350 to 372.
- Objectives:
 - Allow state and local planning for chemical emergencies,
 - Provide for notification of emergency releases of chemicals,
 - Address communities' right-to-know about toxic and hazardous chemicals.
- SARA Title III Program has a focus is on emergency management.
- SARA Title III is in place for the protection of the community, first responders, facility employees and the environment.
- Folks need to know what hazardous materials are stored in their communities, so first responders can plan and in case of an emergency safely respond.
- Federal Regulation
 - Enforced by U.S. EPA
 - Implemented under Executive Order from the Governor
 - No complimentary State Law
 - The State of Michigan provides primarily compliance assistance

Right-to-Know

- **Employee Right-to-Know**
 - Occupational Safety & Health Administration (OSHA)
 - Hazard Communication Standard (29 CFR 1910.1200)
 - Safety Data Sheet (SDS)
 - www.osha.gov
- **Firefighter Right-to-Know**
 - Michigan OSHA (MIOSHA)
 - Fire Prevention Code (1941 PA 207)
 - Fire Dept. Hazardous Material Emergency Planning Responsibilities (Bulletin 9)
 - www.michigan.gov/lara

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- **Community Right-to-Know**
 - SARA Title III\EPCRA
 - Local Emergency Planning Committee (LEPC) planning responsibilities
 - Facilities provide planning information
 - Facilities provide hazardous chemical inventory
 - Tier II Report (aka Tier Two; Tier 2)
 - www.michigan.gov/sara

Emergency Planning Section 302 & 303

- Established- State Emergency Response Commission (SERC)
- Established - Michigan Citizen-Community Emergency Response Coordinating Council (Exec. Order 2007-18) "Michigan's SERC"
- Established - Local Emergency Planning Committees (LEPCs)
- 87 LEPCs in Michigan including the cities of Detroit, Ann Arbor, Romulus, and Wayne.
- **SERC Involvement at the State Level**
 - Receive Facility Reports
 - DEQ Michigan SARA Title III Program
 - Review LEPC Plans
 - MSP Emergency Management & Homeland Security Division (EMHSD)
- **Section 302 Facility Requirements**
 - Designate a facility emergency (planning) coordinator (included on the Tier II report)
 - Provide information requested by the LEPC that it needs to fulfill its planning responsibilities
 - Inform the LEPC of any changes relevant to emergency planning
 - A facility is subject to section 302 if it has an Extremely Hazardous Substance (EHS) at or above the Threshold Planning Quantity (TPQ) posted in either the Extremely Hazardous Substance List (Appendix A of your guidebook) or U.S. EPA's List of Lists (Appendix B of your guidebook).
 - A facility is also subject to emergency planning requires under SARA Title III and is require to share their emergency response plan with their local fire department and Local Emergency Planning Committee (LEPC).
 - The Local Emergency Planning Committee (LEPC) is required to develop a community emergency response plan with the 302 facility in mind and send it to the State.
 - Submit Tier II Report (Update or Annual) within 60 days to
 - Michigan SARA Title III Program (online)
 - LEPC
 - The 302 report is now part of the Tier II report
- **Section 303 LEPC Requirements**
 - LEPC writes Offsite HazMat Response Plans with specific information about certain facilities.
 - Give to MSP-EMHSD & Responders
- **Emergency Planning in Part 5 Rules Facility Requirements**
 - Provide notification to the LEPC that it has completed a Pollution Incident Prevention Plan (PIPP) or an Integrated Contingency Plan (ICP) containing the PIPP requirements.
 - Provide a copy of the PIPP or ICP to the LEPC upon request
- **Emergency Planning in Clean Air Act Sect 112(R) Facility Requirements**
 - Subject facility must have a Risk Management Program.
 - If the facility will respond to the release:
 - Coordinate their Risk Management Plan with LEPC Plan.
 - Provide information to the LEPC upon request for developing and implementing the LEPC Plan.
 - If the facility will not respond to the release:
 - Assure that facility with toxic chemicals is included in the LEPC Plan.
 - Assure that facility with flammable substances has coordinated response actions with the local fire department.
- **Emergency Release Notification Section 304**

- ≈ 770 Hazardous Substances (CERCLA - published list)
- 355 Extremely Hazardous Substances (EHS) (SARA Title III- published list)
- “Reportable Quantity” (RQ)
- List of Lists
 - reportable chemicals and RQs (See Appendix B of your guidebook)
 - CAS = Chemical Abstracts Service number
 - EHS = Extremely Hazardous Substance
 - TPQ = Threshold Planning Quantity
 - *RQ = Reportable Quantity*
 - CAA = Clean Air Act
 - TQ = Threshold Quantity
 - *Amounts in POUNDS*
- 27 state and federal regulations with release reporting requirements that apply in Michigan.
- Permits, licenses, local ordinances, contingency and pollution prevention plans might have additional release reporting requirements.
- **Immediate (within 15 mins.) notify:**
 - LEPC (Contact your county LEPC)
 - SERC - DEQ Pollution Emergency Alerting System (PEAS) 1-800-292-4706 or MDARD (Agriculture) Hotline 1-800-405-0101
 - U.S. Coast Guard National Response Center (NRC) - Follow-up report to SERC & LEPC 1-800-424-8802
 - Then assess the situation and make additional notifications as required. See chapter 6 for details.
- **Hazardous Chemical Inventory Sections 311 & 312**
 - Hazardous Chemicals = all substances for which the OSHA Hazard Communication Standard requires the facility to maintain SDSs (Employee Right-to-Know).
 - There is NO LIST of OSHA Hazardous Chemicals!
 - Thresholds for reporting
 - OSHA hazardous substances: 10,000 pounds
 - EHS: 500 pounds or TPQ (whichever is lower)
 - *Requests by LEPC/Fire Dept: zero pounds*
 - Section 311
 - INITIAL REPORT due within 3 months after threshold reached
 - Submit current year Tier II Report Update with the new chemicals to:
 - Michigan SARA Title III Program (online)
 - LEPC
 - Fire Department
 - Section 312
 - ANNUAL REPORT due by March 1st
 - Submit current year Tier II Report Annual (Emergency & Hazardous Chemical Inventory) with previous year inventory to:
 - Michigan SARA Title III Program (online)
 - LEPC
 - Fire Department
 - EXEMPTIONS
 - Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
 - Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
 - Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
 - Any substance to the extent it is used in a research laboratory or hospital or other medical facility under the direct supervision of a technically qualified individual.

- Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.
 - *Note these exemptions do not apply when storing Extremely Hazardous Substances over Threshold Planning Quantities (SARA Title III 302 sites)
 - **Toxic Chemical Release Inventory Section 313**
 - Annual TRI Report due by July 1st
 - Submit Form R to via TRI-MEweb:
 - Michigan SARA Title III Program
 - U.S. EPA
 - Toxic = ~ 650 listed chemicals & chemical compounds
 - Cumulative releases & waste transfers
 - Release = allowed and accidental
 - Subject facilities
 - At least 10 full time employees
 - Subject North American Industrial Classification System (NAICS) codes
 - Amount manufactured,* processed, or otherwise used exceeds a toxic chemical activity threshold
- *Manufacture includes chemicals created as an impurity or byproduct

Online Resources

- www.michigan.gov/sara
- www.michigan.gov/chemrelease
- www.michigan.gov/deqemergencyplan
- www.michigan.gov/emhsd

Program Staff

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